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6 Attorney for Kirk Ormand Davis

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 United States of America,

11 Plaintiff,

12 v.

13 Kirk Ormand Davis,

14 Defendant.
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Case No. 2:13-cr-00055-GMN-VCF

JOINT STATUS REPORT AND
STIPULATION TO CONTINUE
STATUS CONFERENCE

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
18 Frierson, United States Attorney, and Daniel J. Cowhig, Assistant United States
19 Attorney, counsel for the United States of America, and Rene L. Valladares,
20 Federal Public Defender, and Joy Chen, Assistant Federal Public Defender,
21 counsel for Kirk Ormand Davis, that the status conference currently scheduled on
22 November 28, 2023 at 2:00 p.m. be vacated and continued to a date and time
23 convenient for the Court, but no sooner than sixty (60) days.

24 This Stipulation is entered into for the following reasons:
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1. On October 4, 2023, the parties appeared for a hearing of revocation of supervised release in this matter, as well as in the related matter of *United States v. Davis*, Case No. 2:12-cr-00373-GMN-VCF. ECF No. 124. At that hearing, the defendant was removed to the cell block due to his behavior in the courtroom. *Id.* The government requested a competency evaluation of the defendant, which defense counsel did not oppose. *Id.*

2. On October 5, 2023, the Court ordered that a psychiatric or psychological examination of the defendant be conducted pursuant to 18 U.S.C. § 4241. ECF No. 125. The Court set a status conference in this matter and the related matter for November 28, 2023, for the purposes of tracking whether the defendant had been timely transferred to a Bureau of Prisons (BOP) facility and evaluated. *Id.*

3. On November 15, 2023, undersigned counsel for the government contacted the BOP and the United States Marshals Service (USMS) for a status update on the defendant's whereabouts.

4. A supervisory attorney from the BOP advised that on November 9, 2023, the defendant was designated to a BOP facility for a competency evaluation. Per the USMS, as of November 15, 2023, the defendant was still residing at the Nevada Southern Detention Center (NSDC) awaiting transfer to the designated BOP facility.

5. The defendant has not undergone a psychiatric or psychological examination to date.

6. Because the defendant has not yet undergone the court-ordered evaluation, the parties respectfully request that the currently scheduled status conference be vacated and continued for at least sixty (60) days.

7. Counsel have conferred with the United States Probation Officer supervising the defendant. The officer is in agreement with this status report and request for continuance.

This is the first request for continuance of the status conference.

DATED this 20th day of November, 2023.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

By /s/ Joy Chen

By /s/ Daniel J. Cowhig

JOY CHEN
Assistant Federal Public Defender

DANIEL J. COWHIG
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 United States of America,

4 Plaintiff,

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6 Kirk Ormand Davis,

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Case No. 2:13-cr-00055-GMN-VCF

ORDER

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10 Based upon the record in this case and the stipulation of the parties, and
11 good cause appearing, IT IS THEREFORE ORDERED that the status conference
12 currently scheduled for November 28, 2023 at 2:00 p.m., be vacated and
13 continued to January 30, 2024 at the hour of 10:00 a.m.

14 DATED this 21 day of November, 2023.

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16 UNITED STATES DISTRICT JUDGE
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